



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

March 9, 2022

Colbea Enterprises, L.L.C.
2055 Plainfield Pike
Cranston, RI 02921

RE: Preliminary Decision
6 Assessor's Plat 328, Assessor's Lots 408, 409, 410, 411, & 412
2055 Warwick Avenue (Route 117A)

Dear Applicant,

The following is the decision on your application for Preliminary Plan Approval of a Major Subdivision/Land Development Project heard by the Warwick Planning Board at the regularly scheduled meeting held on March 9, 2022. The Planning Board reviewed your proposal to merge five (5) existing parcels into one (1), demolish an existing building, and construct a 4,600 SF +/- gas station with drive thru window, parking, landscaping, and related appurtenances on the subject parcel. Proposed access/egress will be provided from two (2) full width curb cuts on Warwick Avenue (Route 117A). The existing access/ egress on Ansonia Road and Yucatan/Betsey Williams Drive will be closed and replaced with landscape elements. The parcel is zoned General Business (GB), with a total land area of 1.18 +/- acres.

After completion of the Public Hearing, for which notice was served and a record was kept, the Warwick Planning Board taking into consideration its knowledge and expertise, and after considering all of the representations and presentations made at the Public Meeting, found this proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033*, or must satisfactorily address issues where there may be inconsistencies, as follows:
 - a. The project involves the redevelopment of a property that is currently unoccupied. The Applicant is proposing to completely renovate the site with substantial improvements to landscaping and signage located adjacent to Warwick Avenue (Route 117A). *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* element states that 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is "very important." The project is consistent with this Comprehensive Plan element provided the landscaping, signage, and building

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features conform to all current zoning requirements or required relief is granted by the Zoning Board of Review.

- b. A stated policy in *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is to “ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area.” Existing land uses surrounding the subject site include a mixture of service based retail strip malls, banks, restaurants, and a mixture of single family and multifamily residential housing. The proposed development is comprised of a gas station, convenience retail, and quick service meals that would service the needs of surrounding residential dwellings and is compatible with similar commercial uses along the Warwick Avenue corridor. The proposed development will reduce existing land use inconsistencies with the abutting residential neighborhood by closing two (2) existing curb cuts to residential roadways. The project is therefore consistent with this element of the Comprehensive Plan.
 - c. *Chapter 3, Part 2, of the Comprehensive Plan, Population and Land Use Trends* element states Warwick Avenue (Route 117A) was pointed out in public meetings as “dated” and “unattractive” and with large areas dominated by impervious paving surfaces, obtrusive signage and poor design. The proposed project will remove a dated, unoccupied commercial building, reduce impervious surfacing, replace outdated signage, and provide significant landscape enhancements throughout the property. In addition, the proposed use will be an amenity for surrounding residential areas. The project therefore appears consistent with this element of the Comprehensive Plan provided the project meets requirements of the current zoning ordinance or required relief is granted by the Zoning Board of Review.
 - d. The proposed project will result in an overall reduction of impervious surfaces and include modern stormwater management infrastructure that will slow the rate of runoff and improve the quality of stormwater discharge from the site. This is consistent with *Chapter 4, Natural Resources* section of the Comprehensive Plan, which states as a Goal that Warwick’s natural resource systems, sensitive water resources and natural habitats are preserved and protected for future generations, with a companion policy to “protect, preserve and enhance natural resource areas adjacent to developed or potentially developed areas.”
2. That the proposal is compliant with the standards and provisions of the City’s Zoning Ordinance in consideration of the following:
 - a. The project received a Conditional Special Use Permit from the Zoning Board of Review (Petition #10730; dated, September 7, 2021) pursuant to *TABLE 1. USE REGULATIONS, Use Code 421. Gas station (no repairs), with a convenience store. Primary conditions include the following: Closing of the curb cut along Yucatan Drive; Drive-thru window hours restricted to the hours of 5 a.m. to 9 p.m.; Convenience Store and Gas Station open 24 hours; dumpsters to be serviced*

between the hours of 7 a.m. and 8 p.m.; dark sky compliant lighting; 6' opaque fence along the rear property line with staggered evergreens of no less than 6' in height at the time of installation; monument style freestanding sign not to exceed 8' in height.

- b. The project received Zoning Board of Review (Petition #10730; dated, September 7, 2021) approval for dimensional variances as follows:
 - i. *Section 806.3, Minimum Freestanding Sign Setback:* Under the dimensional standards for a GB district, the minimum freestanding sign setback is 10 feet. The Board approved a 5-foot setback for a monument sign with a maximum height of 8 feet.
 - ii. *Section 702.2, Dimensions for Loading Spaces:* The Zoning Board approved 55 feet in length and 12 feet in width in lieu of the required 60 feet in length by 14 feet in width.
 - iii. *Table 2B, Footnote 2, Minimum Setback to Residence District:* Under the dimensional standards for a GB district, a commercial use must be set back a minimum of 40 feet from an abutting residence district. The Zoning Board approved a 21.8-foot setback from the abutting residence district.
3. That there will be no significant negative environmental impacts from the proposed development.
 - a. The applicant has provided a Stormwater Management Report and a Soil Erosion and Sediment Control Report completed by DiPrete Engineering. The project has been reviewed and permitted with conditions (***WQC/STW File No. 21-112; RIPDES File No. 102215***) by the Rhode Island Department of Environmental Management Office of Water Resources.
 - b. The applicant has received approval (dated: January 31, 2022), with conditions, from the Rhode Island Department of Environmental Management Office of Land Revitalization and Sustainable Materials Management, Underground Storage Tank Program for installation of Underground Storage Tanks (UST); ***RIDEM UST Facility ID #04964***.
4. That the development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable in consideration of the following:
 - a. The proposed development contains five (5) lots (AP 328/Lots 408, 409, 410, 411, & 412) which will be administratively merged into one (1) lot at the time of final recording if the final development plan is approved. The Applicant has sufficiently demonstrated that the resulting lot will appropriately support development while remaining in conformance with pertinent regulations and building standards.

5. That the proposed development possesses adequate and permanent access to a public street (Warwick Avenue/Route 117A) provided:
 - a. The Applicant has completed a *Traffic Impact and Access Study* (VHB, dated June 23, 2021). The study concluded that the existing traffic signals located on Warwick Avenue at Edgemoor Road and Church Avenue provide adequate gaps in traffic to accommodate left and right turning vehicles out of the north and south drives on the subject property.
 - b. RIDOT acknowledgement (RIDOT PAP Application No 21-75; dated October 4, 2021) that the project has been designed to meet RIDOT design standards and that a Physical Alteration Permit will be issued upon issuance of required DOT bonds for the project.

If approved by the Planning Board, the following conditions are important:

1. That all Plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island," effective date November 25, 2015.
2. That the Applicant shall submit a Final Land Development Plan that complies with Appendix C, Final Application, of the City's *Development Review Regulations Governing Subdivisions, Land Development Projects, and Development Plan Review*, last amendment dated March 14, 2001.
3. A Soil Erosion and Sediment Control permit must be obtained from the City of Warwick prior to the commencement of any construction activities, including vegetation clearing and earthwork.
4. Soil erosion and sediment control measures must be properly maintained throughout construction.
5. The Design Engineer must inspect the installation of the Stormwater Management System (SMS) and submit a certification that the construction substantially conforms to the approved plans. In addition, the Design Engineer must prepare an as-built plan of the SMS; highlighting any significant deviations from the approved plan. Changes from the design plan will require prior authorization from the Approving Authority.
6. The Property Owner must be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System. The Property Owner shall be responsible for the operation and maintenance of all proposed stormwater mitigation measures.
7. Protect all RI Highway Bounds and permanent survey markers throughout the completion of the project. This must be noted on the Final Development Plans.

8. Care must be taken to ensure that the existing municipal storm drain system that traverses through the site is not damaged or compromised throughout the construction. Any damages to the system will be repaired by the Contractor at no expense to the City.
9. All work must be in accordance with the approvals of the Rhode Island Department of Environmental Management and the Rhode Island Department of Transportation.
10. That a RIDOT Physical Alteration Permit, must be obtained prior to Final Plan recording.
11. Full compliance with all permit requirements of the Warwick Sewer Authority (WSA).
12. That the applicant design the water system in accordance with Warwick Water Division (WWD) standards.
13. That there shall be no architectural, landscaping or natural barriers to prevent easy access of fire apparatus.
14. That the Final Plan shall include a notation reference to the Zoning Board Conditional Special Use Permit.
15. That Final approval contains a condition that “Dumpsters shall be serviced between the hours of 7:00 a.m. and 8:00 p.m. only” to help avoid disruption to abutting residential properties.
16. That the Administrative Subdivision (Record Plat) shall be recorded with the Final Decision.

Sincerely,

Philip Slocum, Chair
Warwick Planning Board

Cc: Elizabeth Noonan, Esq. - Adler, Pollock & Sheehan, P.C.
Sheryl Guglielmo - DiPrete Engineering